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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,164	04/27/2001	Ryan Robertson	35451/126 (3623.Palm)	1779
26371	7590	11/15/2005	EXAMINER	
FOLEY & LARDNER LLP 777 EAST WISCONSIN AVENUE SUITE 3800 MILWAUKEE, WI 53202-5308			CONTEE, JOY KIMBERLY	
			ART UNIT	PAPER NUMBER
			2686	

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/844,164	Applicant(s) ROBERTSON ET AL.	
	Examiner Joy K. Contee	Art Unit 2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/18/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-10,12-17 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-10,12-17 and 21-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claim 6 have been considered but are moot in view of the new ground of rejection.
2. Applicant's arguments filed February 18, 2005 have been fully considered but they are not persuasive. In light of the current amendments to claims 7, 14 and 21, Applicant argues that prior art only discloses a case in which the software is in a communications mode to effectuate the communications connection. Examiner disagrees. Kennedy et al. (US Patent No. 6,535,743) discloses when a user depresses an emergency button in a non-communications or communications mode (i.e., input from mobile user during pre-existing communication and/or otherwise) (see Kennedy et al. col. 26, lines 8-54).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ko, U.S. Patent No. 2005/0049011, newly discovered, in view of Hess, U.S. Patent No. 5,777,551, previously used.

Regarding claim 6, Ko discloses a handheld computing device comprising:
an housing (page 2 [0022]) ;
a processor (reads on control unit) supported by the housing (page 2 [0023]) ;
a wireless telephony device coupled to the processor (page 2 [0023]),
a display having a graphical user interface coupled to the processor (page 2 [0023]), and

a plurality of input keys (i.e., keypad) (page 1 [0012], wherein the device is allows a user to depress input keys when the wireless telephony device is either powered on or off (see page 3 [0039])).

Ko does not explicitly disclose wherein the device is programmed to effectuate a predetermined communications connection when a user depresses two or more input keys simultaneously and device effectuates the predetermined communications connection.

In a similar field of endeavor, Hess suggests an interface control panel containing a panic/ambush feature which allows the user to activate the alarm sequence, which includes a call by the push of one or two buttons (col. 3,lines 60-63).

At the time of the invention it would have been obvious to one of ordinal skill in the art to modify Ko to include simultaneous depression of two input keys to effectuate a predetermined communication when the communication device is powered off in case of an emergency situation as described in Hess.

5. Claims 7 (2-3,8),14 (11,15) and 21) are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy et al. (Kennedy), U.S. Patent No. 6,535,743, in view of

Hess, U.S. Patent No. 5,777,551, previously used in office action mailed November 20, 2003.

Regarding claims 7 and 14 Kennedy discloses a handheld computing device (and method of making an emergency request), comprising.

an housing (i.e., inherently reads on hand-held or portable mobile unit 12) (col. 4, lines 1-11) ;

a processor (i.e., reads on processor 38) supported by the housing (col. 4, lines 1-30) ;

a wireless telephony device (i.e., reads on cellular transceiver) coupled to the processor (col. 4, lines 23-30),

a display having a graphical user interface coupled to the processor (i.e., reads on user interface 22) (col. 4, lines 12-22), and

a plurality of input keys (i.e., reads on buttons on user interface) (col. 4, lines 12-22), wherein the device is programmed to effectuate a predetermined communications connection (e.g., with emergency personnel) when a user depresses input keys (e.g., emergency button and roadside assistance) when the state of the software operating on the device is in either a non-communications mode or a communications mode (i.e., input from mobile user during pre-existing communication and/or otherwise) (col. 13, lines 55-59 and col. 14, line 65 to col. 15, line 11 and col. 26, lines 8-54).

Kennedy does not explicitly disclose simultaneous depression of two or more

input keys to effectuate a predetermined communication.

In a similar field of endeavor, Hess suggests an interface control panel containing a panic/ambush feature which allows the user to activate the alarm sequence, which includes a call by the push of one or two buttons (col. 3, lines 60-63).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Kennedy to include simultaneous depression of two input keys to effectuate a predetermined communication to reduce false alarms, that is, if one button depression is required there may be more false alarms.

Regarding claim 2, the combination of Kennedy and Hess disclose the handheld computing device of claim 7.

Hess further discloses wherein the predetermined communications connection is effectuated by dialing a predetermined telephone number (e.g., to remote security station) (col. 4, lines 15-25).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Kennedy to include dialing a predetermined telephone number since Kennedy already discloses contacting emergency personnel via service messages.

Regarding claim 3, the combination of Kennedy and Hess discloses the handheld computing device of claim 7, wherein the predetermined number is the number for an emergency service (i.e., security monitor station or 911 office) (see Hess, col. 4, lines 37-46).

At the time of the invention it would have been obvious to one of ordinary skill in

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the art to modify Kennedy to include dialing a predetermined telephone number for emergency service since Kennedy already discloses contacting emergency personnel via service messages.

Regarding claims 8 and 15, the combination of Kennedy and Hess disclose the handheld computing device of claims 7 and 14, respectively, wherein the device calls the emergency service by dialing 9-1-1 (i.e., reads on call forwarded to 91 1 office) (see Hess, col. 4, lines 37-46).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Kennedy to include dialing "9-1-1" to contact emergency services for the purpose of providing direct access to emergency personnel.

Regarding claim 21, Kennedy discloses a handheld computer, comprising:
a processor (col. 4, lines 23-30);
a plurality of user input keys coupled to the processor (col. 13, lines 31-65),
a wireless telephony device coupled to the processor (col. 4, lines 1-30).

Kennedy fails to explicitly disclose a display including a touch screen coupled to the processor and an operating system running on the processor, whereby the operating system is configured to call an emergency service when two or more user input keys are pressed simultaneously.

However, a PDA, e.g., Palm Pilot, including a touch screen with use of stylus is well known in the art.

In a similar field of endeavor Hess suggests an operating system (i.e., reads on microprocessor) configured to call an emergency service when two user input keys are

pressed simultaneously, wherein the device effectuates the communication channel to the emergency service regardless of the state of any software operating on the device (i.e., Examiner interprets the claim language to include the case wherein whatever operating state the device is in when the user depresses said input keys) (col. 3, lines 37-63).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Kennedy to include simultaneous depression of two input keys to effectuate a predetermined communication to reduce false alarms, that is, if one button depression is required there may be more false alarms.

6. Claims 4,12 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy and Hess, in view of Yasuda et al. ("Yasuda"), U.S. Patent No. 5,901,365.

Regarding claims 4,12 and 24, Kennedy and Hess disclose the handheld computing device of claims 7,14 and 21, respectively. The combination fails to explicitly disclose, wherein the user must depress and hold the two or more input keys for greater than one second (or at least one second) to effectuate the predetermined communications connection.

In a similar field of endeavor, Yasuda provides evidence of receiving an affirmative result for a key depression of a period of one second or more (col. 3, lines 27-33 and lines 51-56).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the combination of Kennedy and Hess to include an extended key

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depression for an emergency call for the purpose of providing an affirmative result as to decrease false alarms.

7. Claims 5,13 and 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy and Hess, in view of Asari et al. ('Asari"), U.S. Patent No. 6,031,470.

Regarding claims 5, 13 and 23, the combination of Kennedy and Hess disclose the handheld computing device of claims 7,14 and 21, respectively.

The combination does not explicitly disclose, wherein the user must depress four input keys simultaneously to effectuate the predetermined communications connection.

In a similar field of endeavor, Asari provides evidence in a wireless means for plural key operation (i.e., up to four keys) (col. 6, lines 55-59), wherein said keyboard realizes a variety of key operation forms or modes based on simultaneous operation of large number of keys (col. 1, lines 50-59).

At the time of the invention it would have been obvious to one ordinary skill in the art to modify the combination of Kennedy and Hess to include plural key operation up to four keys for the purpose of further decreasing possibility of an erroneous operation (see Asari, col. 1, lines 55-59).

8. Claims 10 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy and Hess, in view of Kienberger, U.S. Patent No. 5,467,387.

Regarding claims 10 and 17, the combination of Kennedy and Hess disclose the device of claims 7 and 14, respectively, but fails to disclose a plurality of navigation buttons, wherein the device is programmed to effectuate the predetermined

communications connection when a combination of the navigation buttons and the input keys is depressed simultaneously.

In a similar field of endeavor, Kienberger provides of evidence of using navigation buttons and a numerical key to activate a subscriber performance feature (col. 2, lines 37-45).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Kennedy to include simultaneous depression of navigation buttons and the input keys to effectuate a predetermined communication to further reduce false alarms, that is, if one button depression is required there may be more false alarms.

9. Claims 9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy and Hess, in view of Nilsson et al. ('Nilsson'), U.S. Patent No. 6,332,073.

Regarding claims 9 and 16, the combination of Kennedy and Hess disclose the device of claims 7 and 14, respectively. The combination fails to explicitly disclose wherein the device calls the emergency service by dialing 1-1-2.

In a similar field of endeavor, Nilsson suggests dialing "1-1-2", for emergency service (col. 1, lines 15-17).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the combination to include emergency dialing to "1-1-2", if the user/mobile unit were in Sweden where the string is customary.

10. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy and Hess, in view of Shaanan et al., U.S. Patent No. 6,332,084.

Regarding claim 22, the combination of Kennedy and Hess discloses the

handheld computer of claim 21 . The combination fails to disclose, wherein the handheld computer does not include a mechanical telephone keypad.

In a similar field of endeavor, Shaanane discloses wherein the handheld computer does not include a mechanical telephone keypad (i.e., reads on touch screen is programmed to display a soft version of a conventional hard keypad) (col. 2, lines 21-29).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the combination of Kennedy and Hess to include a non-mechanical keypad for the purpose of providing a lighter weight mobile device, e.g., PDA.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy K. Contee whose telephone number is 571.272.7906. The examiner can normally be reached on Monday through Friday, 5:30 a.m. to 2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 571.272.7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JC


JOY K. CONTEE
EXAMINER